

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

VERIFIED COMPLAINT FOR FORFEITURE IN REM

Plaintiff, United States of America, by its attorneys, Grant C. Jaquith, United States Attorney for the Northern District of New York, and Mary E. Langan, Assistant United States Attorney, brings this Complaint and alleges the following in accordance with Supplemental Rule G(2) of the Federal Rules of Civil Procedure:

NATURE OF THE ACTION

1) This is a civil action *in rem* to forfeit and condemn for the use and benefit of the United States of America the following property: \$7,905.00 in United States Currency ("the defendant currency"), representing the proceeds of, and property having facilitated, offenses in violation of 21 U.S.C. § 841.

THE DEFENDANT *IN REM*

2) The defendant currency was seized on December 13, 2017 during a search of the residence of Christopher Moro (“Claimant”), located at 7413 Maplevue Road, Cicero, New York.

3) The defendant currency is presently in the custody of the United States Marshal Service in Syracuse, New York.

JURISDICTION AND VENUE

4) The United States of America (“Plaintiff”) brings this action *in rem* in its own right to forfeit and condemn the defendant currency. This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1345 and 1355(a), and *in rem* jurisdiction over the defendant currency under 28 U.S.C. § 1355(b).

5) Upon the filing of this Complaint, Plaintiff requests that the Court issue an arrest warrant *in rem* pursuant to Supplemental Rule G(3)(b), which Plaintiff will execute upon the defendant currency pursuant to 28 U.S.C. § 1355(d) and Supplemental Rule G(3)(c).

6) Venue is proper in this district pursuant to 28 U.S.C. §§ 1355 and 1395, because the acts or omissions giving rise to the forfeiture occurred in this district.

BASIS FOR FORFEITURE

7) The defendant currency is subject to forfeiture pursuant to 21 U.S.C. § 881(a)(6), which provides for the forfeiture of:

All moneys, negotiable instruments, securities, or other things of value furnished or intended to be furnished by any person in exchange for a controlled substance or listed chemical in violation of 21 U.S.C. §§ 801 et seq., all proceeds traceable to such an exchange, and all moneys, negotiable instruments, and securities used or intended to be used to facilitate any violation of 21 U.S.C. §§ 801, *et seq.*

FACTS

8) The facts alleged in this Complaint are based upon information and belief, the sources of which are reports from the Drug Enforcement Administration (“DEA”), and other written and oral information officially received by the Office of the United States Attorney for the Northern District of New York.

9) In September 2017, Special Agent Stephen M. Overend of DEA received information from a DEA confidential and reliable informant about the marijuana trafficking

activities of Claimant. This informant previously provided information to Special Agent Overend that has led to multiple seizures and arrests.

10) The informant advised Special Agent Overend that Claimant sells several pounds of marijuana per week from his residence, located at 7413 Maplevue Road, Cicero, New York. The informant stated that Claimant has a source of supply from either California or Colorado that sends Claimant several pounds of marijuana through the mail.

11) The informant advised Special Agent Overend that Claimant was in possession of approximately fifty pounds of marijuana the third week of October 2017.

12) On November 9, 2017, at approximately 11:30 p.m., agents established surveillance in the vicinity of 7413 Maplevue Road, Cicero, New York. Agents observed a trash receptacle placed outside for trash pickup located on the curb of the driveway of 7413 Maplevue Road.

13) Agents searched the contents of the garbage and recovered mail addressed to the Claimant and two vacuum-sealed bags with suspected marijuana residue inside each bag. A subsequently administered field-test on the residue indicated positive for the presence of marijuana.

14) On November 17, 2017, at approximately 12:30 a.m., agents again established surveillance in the vicinity of 7413 Maplevue Road, Cicero, New York and observed a trash receptacle placed outside for trash pickup located on the curb of the driveway of 7413 Maplevue Road.

15) Agents searched the contents of the garbage and recovered mail addressed to the Claimant and a sandwich bag with suspected marijuana residue inside the bag. A subsequently administered field-test on the residue indicated positive for the presence of marijuana.

16) Agents also found a package of small clear zip lock bags commonly used to sell retail marijuana, and five vacuum-sealed strips cut from the top of a vacuum-sealed bag¹.

17) On December 8, 2017, at approximately 2:00 a.m., agents again established surveillance in the vicinity of 7413 Mapleview Road, Cicero, New York. Agents observed a trash receptacle set out for trash pickup located on the curb of the driveway of 7413 Mapleview Road.

18) Agents conducted a search of the garbage and recovered mail addressed to the Claimant and miscellaneous documents, including what agents recognized to be a drug ledger. The drug ledger indicated customer names, the amount of money owed by each customer, and a total outstanding balance of \$88,000.00.

19) Agents also recovered five vacuum sealed strips cut from the top of a vacuum sealed bag and four vacuum sealed bags, one marked "OG," containing suspected drug residue. A subsequently administered field test on the residue indicated positive for the presence of marijuana.

20) On December 11, 2017, a state search warrant was issued by the Honorable County Court Judge Dougherty for the residence of the Claimant, located at 7413 Mapleview Road, Cicero, N.Y.

21) On December 13, 2017, at approximately 11:30 a.m., agents executed the search warrant at Claimant's residence. The Claimant immediately made a spontaneous utterance, stating, "what you are looking for is not here. I know you guys took my trash."

22) Agents located the following items during a search of the residence: a digital scale with marijuana residue; a heat sealer commonly used to package marijuana; mason jars with marijuana residue; and miscellaneous paperwork, including the Claimant's tax returns for 2014 and 2016.

¹ Bulk marijuana is often contained in a vacuum-sealed bag to mask the odor.

23) Agents located the defendant currency in a closet containing a furnace in the upper rafters of the residence. The defendant currency was wrapped in rubber bands.

24) Claimant was cited for Unlawful Possession of Marijuana the same day.

25) On May 20, 2010, Claimant was convicted upon a plea of guilty for Criminal Possession of a Narcotic Drug 4th, and was sentenced to one year in prison. On December 13, 2011, Claimant was convicted of Criminal Possession of Marijuana 3rd and sentenced to 18 months in prison.

POTENTIAL CLAIMANTS

26) On or about March 29, 2018, the DEA received an Administrative Claim for the defendant currency from Claimant, Christopher Moro, electing to have the matter of its seizure and forfeiture referred for judicial action.

27) Upon information and belief, Claimant Christopher Moro is not in the military service, is not an infant, and is not an incompetent person.

WHEREFORE, the United States of America requests:

(1) That a Warrant for Arrest *In Rem*, in the form submitted with this Complaint, be issued to the United States Marshal of the Northern District of New York or any subcontractor thereof and/or to any duly authorized law enforcement officer;

(2) That the Court direct any and all persons having any claim to the defendant currency to file and serve their Verified Claims and Answers as required by 18 U.S.C. § 983(a)(4) and Rule G of the Supplemental Rules, or suffer default thereof;

(3) That a judgment be entered declaring the defendant currency to be forfeited and condemned to the use and benefit of the United States of America; and

(4) That Plaintiff be awarded its costs and disbursements in this action and such other and further relief as this Court deems proper and just.

Dated: June 21, 2018

Respectfully Submitted,

GRANT C. JAQUITH
United States Attorney

By: /s/ Mary E. Langan
Mary E. Langan
Assistant United States Attorney
Bar Roll No. 518971

VERIFICATION

STATE OF NEW YORK)
COUNTY OF ONONDAGA)
ss:

Stephen M. Overend, being duly sworn, deposes and states:

I am a Special Agent with the Drug Enforcement Administration. I have read the foregoing Complaint for Forfeiture and assert that the facts contained therein are true to the best of my knowledge and belief, based upon knowledge possessed by me and/or on information received from other law enforcement officers

Dated this 21st day of June, 2018.

Stephen M. Overend, Special Agent
Drug Enforcement Administration

Sworn to and subscribed before me this 21st day of June, 2018.

— day of June, 2018.
Mark J. Edm
Notary Public

MICHELLE J. TROUBETARIS
Notary Public - State of New York
Qualified in Onondaga County
No. 01TR6152879
My Commission Expires September 25, 2018

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

UNITED STATES OF AMERICA

(b) County of Residence of First Listed Plaintiff Onondaga
(EXCEPT IN U.S. PLAINTIFF CASES)

DEFENDANTS

\$7905.00 in U.S. Currency

County of Residence of First Listed Defendant Onondaga

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

Attorneys (If Known)

(c) Attorney's (Firm Name, Address, and Telephone Number)
Mary E. Langan, Assistant U.S. Attorney (315) 448-0650
United States Attorney's Office, 100 South Clinton Street
Syracuse, New York 13261

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

<input checked="" type="checkbox"/> 1 U.S. Government Plaintiff	<input type="checkbox"/> 3 Federal Question (U.S. Government Not a Party)
<input type="checkbox"/> 2 U.S. Government Defendant	<input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

	PTF	DEF		PTF	DEF
Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury	PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input checked="" type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark
<input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	REAL PROPERTY <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/ Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	CIVIL RIGHTS <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition	LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g))
			IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus - Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions	FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609

V. ORIGIN

(Place an "X" in One Box Only)

<input checked="" type="checkbox"/> 1 Original Proceeding	<input type="checkbox"/> 2 Removed from State Court	<input type="checkbox"/> 3 Remanded from Appellate Court	<input type="checkbox"/> 4 Reinstated or Reopened	<input type="checkbox"/> 5 Transferred from another district	<input type="checkbox"/> 6 Multidistrict Litigation	<input type="checkbox"/> 7 Appeal to District Judge from Magistrate Judgment
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VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
21 U.S.C. § 881

Brief description of cause:

Forfeiture of property in rem

VII. REQUESTED IN COMPLAINT:

 CHECK IF THIS IS A CLASS ACTION
UNDER F.R.C.P. 23

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

06/21/2018

SIGNATURE OF ATTORNEY OF RECORD

s/Mary E. Langan

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

Waived

APPLYING IFP

JUDGE

DNH

MAG. JUDGE

ATB